



# Approved

## MINUTES CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

5:30 p.m.

Thursday, January 27, 2022

Jule Operations & Training Center, East View Conference Room 1  
949 Kerper Blvd., Dubuque, Iowa

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Bethany Golombeski, Gwen Kosel and Matt Mauss.

**Board Members Excused:** n/a

**Board Members Unexcused:** none

**Staff Members Present:** Shena Moon, Travis Schrobilgen, and Jason Duba

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:30 p.m.

**MINUTES:** Motion by Kosel, seconded by Mauss, to approve the minutes of the December 16, 2021 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 01-22:** Application of Scott Billmeyer, 527 E. 22<sup>nd</sup> Street, to construct a garage addition 6" from the side and 3' from the rear property lines, and to cover 54% of the lot area with structures, where 3' minimum side and 6' minimum rear setbacks are required, and 50% maximum lot coverage is permitted in an R-2A Alternate Two-Family Residential zoning district.

Scott Billmeyer, 527 E 22<sup>nd</sup> Street, spoke in favor of the request. He explained that he intended to remove an existing shed and reduce or remove a portion of an existing deck to lower the total lot coverage to about 51%, a reduction from current conditions. He said overall, the addition would move the lot coverage to the rear of the property and look better from the front. He said the addition will not block any views.

Staff Member Moon detailed the staff report noting the previous submittal and review from the December meeting. She also noted that the project shifted from a lean-to to a garage addition. She explained that the applicant proposes to remove an existing shed and reduce the size of an existing deck thereby bringing the overall lot coverage down from approximately 56% to 51%. She stated there were no comments from public.

The Board requested the staff recommended conditions be read into the record. Staff Member Moon read the four (4) recommended conditions into the record. The Board also requested clarity on stormwater management, the roof orientation, height of the addition,

and if the addition was entirely enclosed. The applicant clarified that the structure was entirely enclosed and that the roof would be a slightly sloped shed-style roof (lean-to). He said the structure would be less than 15' in height and a gutter installed along the entire length would divert stormwater to the existing underground drainage tile which drains to the alley. The Board asked the applicant if the staff recommended conditions were acceptable to him. The applicant confirmed that he was amenable to the conditions.

The Board briefly discussed the proposal finding it appropriate.

Motion by Golombeski, seconded by Mauss, to approve the request to construct a garage addition 6" from the side and 3' from the rear property lines, and to cover 51% of the lot area with structures, where 3' minimum side and 6' minimum rear setbacks are required, and 50% maximum lot coverage is permitted in an R-2A Alternate Two-Family Residential zoning district with the following conditions:

1. The property owner shall demonstrate the location of the property line to the satisfaction of the building official by obtaining a survey or locating the property pins.
2. Stormwater runoff from the garage addition shall be managed on the subject property and drained to the permeable paver alley.
3. The garage addition shall have a maximum height of 15'.
4. Prior to the issuance of a building permit for the 6' by 32' garage addition, the property owner shall demolish of the existing shed (144 sq. ft.) and the existing deck shall be reduced in size to a maximum footprint of 84 sq. ft.

Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 02-22:** Application of Unity Point Health Finley Hospital, Lange Sign Group 350 N. Grandview Ave., to install a temporary banner-style sign, 100 square feet in area for the purpose of advertising the hospital's heart care center 10-year anniversary during the eight months of March 2022 through December 2022, where 32 square feet area and four months duration are the maximum permitted.

Mike Lange, Lange Sign Group, 1780 Route 35 N, East Dubuque IL, spoke in favor of the request. He explained that they have been approved for similar requests in the past. He said they are looking to use a banner-style sign, that it would not be lit in any way, and they plan to hang the sign from March 2022 through December 2022.

Staff Member Duba detailed the staff report noting the proposed 10' x 10' (100 square feet) sign would be located below the hospital's main sign on a large brick wall that is 150' from the Delhi Street right-of-way and the size of the proposed sign appears to be proportionate to the wall on which it would be placed. He said the large distance from the street means the sign does not impede visibility for drivers or create any traffic concerns. He noted the proposed sign does not appear to negatively impact adjacent business signage. He also mentioned that no opposition or negative feedback has been received regarding this proposal. He stated, due to design and location, the proposed sign should

have a limited impact on the neighborhood. He articulated that the code allows up to four consecutive 30-day temporary sign permits in a calendar year, and a business could get four at the end of one year and then four at the start of the following year, essentially creating an eight-month duration. He also noted that the variance could modestly improve the hospital's ability to promote its heart care services and thereby attract more citizens in need of such care.

The Board discussed the proposal noting that a non-lit banner sign for a duration of ten (10) months should be specified in any approval and the found the temporary banner-style sign to be appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request to install a temporary banner-style sign 100 square feet in area for the purpose of advertising the hospital's heart care center 10-year anniversary for the duration of ten (10) months, where 32 square feet area and four months duration are the maximum permitted with the following conditions:

1. The temporary banner-style sign may be hung from ten (10) months extending from March 2022 through December 2022.
2. The banner sign shall not be illuminated in any way.

Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 03-22:** Application of Sabrina Bloomer, 118 Julien Dubuque Drive to construct a 590 sq. ft. freestanding solar array 3' from the south side property line where 100 sq. ft. maximum is permitted and 6' minimum side yard setback is required, in an R-1 Single-Family Residential zoning district.

Jake Tissue, 1286 St. Andrews Ave, solar contractor with SkyLine Solar, spoke in favor of the request. He said they were proposing a freestanding solar array 588 sq. ft. in area and that they intend to shift the array north on the site to adhere to the required 6' side yard setback along the southern property line.

Chairperson McCoy read into the record an email of opposition from Katlin Lepsch, submitted on behalf of her grandmother, Nancy Lepsch, 120 Julien Dubuque Drive.

Staff Member Schrobilgen detailed the staff report noting the overall size of the array and that the applicants intend to meet the required 6' side yard setback. He said the array is over 90' from the nearest residential dwelling to the south and would site at a lower elevation than the existing residential dwelling on the subject site. He concluded that due to the size and topography of the subject property, the location of the solar array on the property, and that the array would comply with the 6' side yard setback, staff had no concerns with the proposal.

Board Member Ahlvin questioned what was permitted on the site questioning whether it

was a 100 square foot or 500 square foot array. Staff Member Schrobilgen clarified that 100 square feet is permitted but there is a waiver process, similar to the limited setback waiver process, that would permit up to a maximum of 500 sq. ft. However, since the proposal was for 588 sq. ft, the waiver was not an option and therefore the special exception request was submitted.

Board Member Golombeski questioned whether screening could be provided to screen the view of the array for neighboring property owners. Jake Tissue, the solar contractor, stated that their company occasionally provides critter screening but not usually fencing or landscape screening, but a property owner may consider this if they'd like. He also noted the array is average in size and would be less than 7' in height.

Board Member Kosel questioned whether the solar panels could be placed on the roof of the existing single-family residence. Jake Tissue, the solar contractor, stated he wasn't certain but perhaps the limited amount of south facing roof area on the existing residence may have played in impact in decision to install a free-standing array. He also stated that owner preference may have played a part in the decision.

The Board discussed the proposal noting that the overall size of the array and that the visibility of the array from the neighbors is a concern. They noted that the array being located at a lower elevation may present a concern given that the neighbors might look down on the array.

The applicant asked to table the request, so he could gather additional information to address the Board's concerns.

Motion by McCoy, seconded by Kosel, to table the request to construct a 590 sq. ft. freestanding solar array 3' from the south side property line where 100 sq. ft. maximum is permitted and 6' minimum side yard setback is required, in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM BOARD:** Staff Member Moon addressed proposed changes of the Zoning Board of Adjustment's by-laws to specifically identified Robert's Rules and to amend the election of officer's date. She noted that the Zoning Board of Adjustment already complies with Robert's Rules of Order, but the proposed by-laws amendment would ensure there was no confusion on this in the future. She also stated City Council, the Zoning Advisory Commission, and other Planning Department managed boards and commissions include similar language in their by-laws regarding Robert's Rules of Order.

Staff Member Moon then shifted the discussion to discuss the election of officer's date in the by-laws. She said the current language requires election of officers at the first meeting of a new year and that Board member terms expire in March. Staff suggested the election of officer's take place in the month of April to coincide with the Board Member terms. She

said the by-laws would be drafted with the changes and that a vote could take place at the February meeting.

The Board discussed the proposed changes and asked staff if the current by-laws omitted Robert's Rules for a reason. Planning Services Manager Wally Wernimont clarified that he was unsure of why it was not included, and Staff Member Moon noted that the omission may not have been intentional. The Board also noted that the proposed date of election change make sense. The Board ultimately decided that this years' elections should be postponed until April to coincide with terms and the proposed election date change.

Chairperson McCoy asked if there will be any ISU Board and Commission trainings coming up. Planning Services Manager Wally Wernimont noted that there is a budget request for those trainings and that he hopes to set up a session if approved.

**ITEMS FROM STAFF:** None

**ADJOURNMENT:** Motion by McCoy, seconded by Golombeski, to adjourn the January 27, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:18 p.m.

Respectfully submitted,

  
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Shena Moon, Associate Planner

3-24-2022  
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Adopted